

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARRIANA HUMPHREY,

Case No. 2:24-cv-00116-GMN-EJY

Plaintiff,

ORDER

v.

HENDERSON COUNTY DETENTION
CENTER,

Defendant.

Pending before the Court is Plaintiff's Motion to Compel. ECF No. 6. Plaintiff's Motion relates to the Court's February 14, 2024 Order (ECF No. 5) denying her *in forma pauperis* ("IFP") application because it was incomplete. The Order gave Plaintiff until April 15, 2024 to either pay the filing fee for a civil action or file a complete IFP application. Plaintiff now seeks the Court's assistance by requesting an order requiring the Henderson Detention Center ("HDC") to "sign the ... [*in forma pauperis*] form and give the court six months of the plaintiff trust fund account." ECF No. 6 at 1. Plaintiff says she asked the facility to provide what the Court ordered, but "the administrator stated they don't do this at their facility." *Id.*

The Court understands Plaintiff's dilemma. Plaintiff cannot obtain what the HDC says it won't provide. The below Order will be transmitted to the U.S. Marshal Service who will be asked to provide a copy to the appropriate personnel at HDC. The below Order further requires, no later than thirty days after the date of this Order, Plaintiff must inquire one more time whether HDC will assist her by providing the information she ordinarily must submit with her *in forma pauperis* application. If HDC again confirms it will not assist her, Plaintiff must file a report with the Court, in which she states under penalty of perjury, that she requested the documents and signature required and, to the best of her ability, who she spoke to about obtaining assistance and the responses received. If Plaintiff's report demonstrates she has done all that is reasonably possible to obtain a financial certificate and her inmate account statement, the Court will consider her application to proceed *in forma pauperis* complete.¹

¹ Plaintiff must still submit the first three pages of the application to proceed *in forma pauperis* on this Court's

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Compel (ECF No. 6) is
2 GRANTED in part and DENIED in part.

3 IT IS FURTHER ORDERED that a copy of this Order is to be transmitted to the U.S. Marshal
4 for the District of Nevada.

5 IT IS FURTHER ORDERED that the U.S. Marshal must assist the Court by providing a copy
6 of this Order to the appropriate personnel at Henderson Detention Center no later than **fourteen (14)**
7 **days** after the date of this Order.

8 IT IS FURTHER ORDERED that no later than **thirty days** after the date of this Order,
9 Plaintiff must inquire one more time whether Henderson Detention Center will assist her by
10 providing the information she ordinarily must submit with her *in forma pauperis* application.

11 IT IS FURTHER ORDERED that if Henderson Detention Center again confirms it will not
12 assist Plaintiff, Plaintiff must file a report with the Court in which she states under penalty of perjury
13 that she requested the documents and signature required and, to the best of her ability, who she spoke
14 with about obtaining assistance and the responses received.

15 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order, the
16 Court will recommend this case be dismissed without prejudice for Plaintiff to file a new case with
17 the Court when Plaintiff is able to acquire all the documents needed to file a fully complete
18 application to proceed *in forma pauperis*.

19 IT IS FURTHER ORDERED that if Plaintiff timely complies with this Order and the
20 information received demonstrates Plaintiff did all she reasonably could to obtain the signature and
21 document needed to file a complete *in forma pauperis* application, the Court will treat the application
22 as complete.

23 DATED this 13th day of March, 2024.

24
25 
26 ELAYNA J. YOUCHAK
27 UNITED STATES MAGISTRATE JUDGE

28 approved form with his declaration. If Plaintiff does not submit the first three pages of the application to proceed *in forma pauperis* with the declaration, the Court will recommend dismissal of the case without prejudice for Plaintiff to open a new case when he is able to acquire the required documents.